

Application No.: 10/815,324
Filing Date.: March 31, 2004

AMENDMENTS TO THE DRAWINGS

In the Office Action of December 27, 2007, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a). By this paper, the Applicant is submitting proposed drawing changes for the Examiner's approval.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83 stating "the groove as set forth in Claim 1 along with the plurality of locking projections as set forth in Claim 18 and the plastic materials must be shown in the cross sectional views as alternating thick and thin lines or the features cancelled from the claims(s)" and "because they fail to show the plastic materials of the lid as described in the specification". The Applicant submits that, embodiments of the disclosure illustrated in the replacement drawings, such as Figures 3 and 5-8, illustrate the groove 5, lateral projections (unlabeled) that are positioned adjacent the groove 5, and outer sections 7, 8. The Applicant submits that the replacement drawing sheets are at least supported by the drawings originally filed and Paragraphs [0039-0048] of the specification as originally filed. Hence, the Applicant believes that these features are illustrated in the drawings in compliance with 37 C.F.R. § 1.83(a).

REMARKS

In the Office Action of December 27, 2007, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a), rejected Claims 1, 4-12, 14-21 and 28 under 35 U.S.C. § 112, first and second paragraph and further rejected Claims 22-25 under 35 U.S.C. § 102(b) and § 103(a). By this paper, the Applicant is submitting proposed drawing changes for the Examiner's approval and has further amended Claim 1 and cancelled Claims 22-25 and 28 to address the issues noted by the Examiner. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

As an initial matter, in the Office Action of December 27, 2007, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a). By this paper, the Applicant is submitting proposed drawing changes for the Examiner's approval.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83 stating "the groove as set forth in Claim 1 along with the plurality of locking projections as set forth in Claim 18 and the plastic materials must be shown in the cross sectional views as alternating thick and thin lines or the features cancelled from the claims(s)" and "because they fail to show the plastic materials of the lid as described in the specification". The Applicant submits that, embodiments of the disclosure illustrated in the replacement drawings, such as Figures 3 and 5-8, illustrate the groove 5, lateral projections (unlabeled) that are positioned adjacent the groove 5, and outer sections 7, 8. The Applicant submits that the replacement drawing sheets are at least supported by the drawings originally filed and Paragraphs [0039-0048] of the specification as originally filed. Hence, the Applicant believes that these features are illustrated in the drawings in compliance with 37 C.F.R. § 1.83(a).

The Office Action further rejects Claims 1, 4-12, 14-21, and 28 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, stating, "There is no support in the disclosure as originally filed for 'two non-deformable portions'". To address this rejection, the Applicant has amended Claim 1 to read, in part, "A lid for a container, the lid comprising a body portion with a generally planar surface and a downwardly projecting perimeter portion, the body portion comprising a resiliently deformable portion located between two portions having greater rigidity than the resiliently deformable portion".

Support for this amendment may be found at least in Paragraph [0015] of the specification as filed, which states:

In order to facilitate this method of production, the lid is preferably formed of plastics. The lid is preferably formed from polypropylene. The resiliently deformable portion is preferably formed from an elastomeric material, for example a thermoplastic rubber such as EDPM (Ethylene Polypropylene Diene Monomer).

One of ordinary skill of the art may understand that plastic materials possess greater rigidity than elastomeric materials. Therefore, the Applicant respectfully submits that amended Claim 1 satisfies the requirements of 37 U.S.C. §112, first paragraph, and respectfully requests withdrawal of the claim rejections on these grounds.

The Office Action also rejects Claims 1, 4-12, 14-21, and 28 under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Office Action states, “The structure of the lid is not clearly set forth in claim 1. Wherein the claim appears to set forth the body as a generally planar surface, it is unclear how the deformable portion of the body reduces the length of the perimeter of the lid.”

Claim 1 has been amended to recite,

A lid for a container... wherein the two portions are biased apart when the resiliently deformable portion is not deformed and wherein the two portions are not biased apart when the resiliently deformable portion is deformed, such that when the resiliently deformable portion is deformed, the length of the perimeter of the lid is reduced so as to enable the lid to be disengaged from the container without the use of a tool and the perimeter portion comprising a groove for engagement with a corresponding projection provided around the opening of the container.

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The Applicant further refers the Examiner to Figure 8 and Paragraphs [0047-0048] of the application as filed, which states:

The catch 11 is dimensioned such that, in this closed position, it provides a small force biasing the polypropylene sections apart. Thus it prevents the elastomeric section 12 from being compressed and actually stretches it slightly. Thus, the lid 4 remains firmly engaged with the container 1 and the container 1 is protected against accidental opening.

To open the container 1, the catch 11 is raised to the open position and the finger grips 9a, 10a are squeezed together to compress the elastomeric portion 12 of the lid 4. This causes sufficient reduction in the diameter of the lid 4 to allow the groove 5 to disengage from the rim 3 of the container 1. The lid 4 can then be removed from the container 1 without the aid of a tool.

It may be understood from this disclosure that, in certain embodiments, the catch 11 provides a force that biases the outer sections 7, 8 apart. As such, catch 11 inhibits the elastomeric section from being compressed and stretches it slightly. One of ordinary skill may further understand that, by squeezing the elastomeric section 12 using the finger grips 9a, 10a, the force biasing the outer sections 7, 8 apart is removed. As such, the outer sections 7, 8 are free move inward, reducing the length of the perimeter of the lid. The Applicant therefore submits that amended Claim 1 satisfies the requirements of 35 U.S.C. § 112, second paragraph, and is supported by the specification. Therefore, the Applicant respectfully requests withdrawal of the rejection of Claim 1 on these grounds.

For at least the forgoing reasons, the Applicant believes that Claim 1 satisfies the requirements of 35 U.S.C. § 112 first and second paragraphs and 35 U.S.C. § 102(b) and § 103(a). The Applicant further believes dependent Claims 4-12, and 14-21 also satisfy the requirements of 35 U.S.C. § 112 first and second paragraphs and 35 U.S.C. § 102(b) and § 103(a) based upon their dependence on Claim 1.

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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

SUMMARY

For the foregoing reasons, the Applicant believes that the application as amended is now allowable over the art of record and further complies with the requirements of 37 C.F.R. § 1.83(a), 35 U.S.C. § 112, paragraphs 1 and 2, and 35 U.S.C. § 102(b) and § 103(a). Hence, the Applicant therefore respectfully requests the prompt allowance of this application. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone call, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/27/07

By: _____

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